

LESLIE E. DEVANEY  
ANITA M. NOONE  
LESLIE J. GIRARD  
SUSAN M. HEATH  
GAEL B. STRACK  
ASSISTANT CITY ATTORNEYS

OFFICE OF  
**THE CITY ATTORNEY**  
CITY OF SAN DIEGO

**Casey Gwinn**  
CITY ATTORNEY

CIVIL DIVISION  
1200 THIRD AVENUE, SUITE 1620  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 236-6620  
FAX (619) 236-7215

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**REPORT TO THE HONORABLE MAYOR  
AND CITY COUNCIL**

**AMENDMENT TO THE SAN DIEGO MUNICIPAL CODE  
TO PROHIBIT BURNING WASTE MATERIAL IN CITY FIRE CONTAINERS**

**Introduction**

This proposal is a collaborative project between Councilmember Donna Frye and my Office to amend the San Diego Municipal Code to prohibit the illegal dumping and burning of painted and preserved wood. The amendment will conform the controlling section of the Municipal Code to state law, and it will help protect the environment. A draft of the ordinance was considered at the Public Safety and Neighborhood Service Committee meeting on April 10, 2002, and received a vote of 5-0 for approval.

**Discussion**

The City provides fire rings and squares for recreational burning. San Diego Municipal Code section 63.20.5 regulates the use of these City-provided and maintained fire containers on public beaches and in public parks. The fire containers are to be used for recreational purposes only. Currently, this section does not explicitly prohibit individuals from disposing of waste by burning. Photographs of illegal dumping at fire containers attached as Exhibit 1.

Burning waste for the purpose of disposal is prohibited by state law. California Health & Safety Code § 41800 (Exhibit 2). The amendment will add language to the Municipal Code that will prohibit burning waste for disposal in City-owned fire containers that are located at City beaches and parks (Exhibit 3).

San Diego Municipal Code section 63.20.5(c) specifies the materials that shall not be used for building a fire in a City-provided fire container. The amendment will add language which will only allow burning of clean wood. Painted and treated wood will be added to the list of materials that cannot lawfully be burned.

Burning trash or demolition debris on City beaches results in toxic ash being deposited on the shoreline or in the water and degrades the marine environment.

**Conclusion**

The proposed amendment will conform the Municipal Code to state law, help protect the marine environment, and deter illegal dumping of waste materials at City beaches and parks. The City Attorney recommends adoption of this proposal.

Respectfully submitted,

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CASEY GWINN  
City Attorney

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